

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

Express Mail Label Number

Date of Deposit

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

CUENOUD ET AL.

APPLICATION NO: 10/696,488

FILED: OCTOBER 29, 2003

FOR: 2'-SUBSTITUTED NUCLEOSIDES AND OLIGONUCLEOTIDE  
DERIVATIVES**MS: Amendment**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Notice of Non-Compliant Amendment dated 12-Jan-07, and in light of the brief discussion with the Examiner on 11-July-07, Applicant agrees to restrict the claims for examination in this Application to the following group.

Applicant restricts to Invention Group I.

For the purposes of examination, Applicant further elects inventive group (a), wherein A is a radical of type  $-C(H)(R_3)-N(R_1)(R_2)$  as a representative inventive group of invention Group I.

For the purposes of examination, Applicant further elects the following species as representative of inventive group (a):

$n = 0$

$R_1 = H$  or  $C_1-C_{10}alkyl$

$R_2 = H$  or  $C_1-C_{10}alkyl$ ; and

$R_3 = H$

V = W = independently phosphodiester or phosphorothioate.

It is anticipated that in the course of examination, Examiner may waive the species election requirement, at which time Applicant will request the fuller scope of allowable embodiments be re-instated.

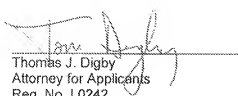
The claims relevant to the selected species are therefore all claims 1 - 58.

By separate paper, Applicant requests a five-month extension to respond to the Notice, and authorize the Commissioner to charge the appropriate fee for this extension to Deposit Account No. 19-0134. If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 19-0134 in the name of Novartis for any fees required under 37 C.F.R. §§1.16 and 1.17.

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(617) 871-3224



Thomas J. Digby  
Attorney for Applicants  
Reg. No. L0242

Date: July 12, 2007